

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:19-CV-00128-GCM**

CHRISTOPHER D. ELLERBE,

Plaintiff,

v.

**JOHN A HERRING,
KEVIN INGRAM,
FNU RUE,
KEITH LAMBERT,
FNU SELLERS,
FNU PRESTON,**

Defendants.

ORDER


THIS MATTER comes before the Court on its own motion. Trial in this matter is mere days away. The Court has learned that a key participant has been ill with COVID-19 and continues to experience symptoms. In order to protect the safety of jurors, court personnel, and the parties, the trial must be continued.

IT IS THEREFORE ORDERED that:

1. Trial in this matter is **CONTINUED** to a date to be determined by separate order.
2. The writ of habeas corpus ad testificandum for Plaintiff (ECF No. 69) is **VACATED**.
3. The Clerk is respectfully directed to **TRANSMIT A COPY** of this Order to all parties; the U.S. Marshal; the Warden of the Alexander Correctional Institution, 633 Old Landfill Road, Taylorsville, NC 28681; and Joyce Meadows, NCDPS Administrative Specialist for Writs, joyce.meadows@ncdps.gov.

SO ORDERED.

Signed: May 10, 2022


Graham C. Mullen
United States District Judge

